



California Regional Water Quality Control Board

Los Angeles Region



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Arnold Schwarzenegger
Governor

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Minutes

Los Angeles Regional Water Quality Control Board
July 7, 2005 Regular Board Meeting
City of Simi Valley, Council Chambers
2929 Tapo Canyon Road, Simi Valley, CA

Item 1. Roll Call

The meeting was called to order by Chair Susan Cloke at 9:14 a.m.

Board Members Present: Susan Cloke (Chair), Julie Buckner-Levy, Fran Diamond, Bonny Herman, Mary Ann Lutz, Bradley Mindlin, H. David Nahai and Leo Vander Lans

Board Members Absent: Timothy Shaheen (Vice Chair)

Staff Present: Jonathan Bishop, David Bacharowski, Ronji Harris, Michael Lauffer, Stephen Cain, Melinda Becker, Samuel Unger and Shirley Birosik

Individuals Who Appeared Before the Board

Dr. Mark Gold, Heal the Bay	Dr. Shelly Luce, Santa Monica Bay Restoration Commission
Mr., Ken Miller, A&R Mgt. and Development	Mr. Ed Wellbaum, A&R Mgt. and Development
Dr. Susan Paulsen, Flow Science	Mr. Vaikko Allen, Vortechtechnics, Inc.
Dr. Cindy Lin, US EPA	Mr. Clayton Yoshida, City of Los Angeles
Carrie Inciong, County of Los Angeles	Dr. Thomas Johnson, Port of Long Beach
Mr. Richard Hajas, Camroas Water District,	Ms. Ashli Desai, Larry Walker Assoc.
Ms. Kara Kemmler, California Coastal Conservancy	Mr. Jerrod DeGonia, representing Ventura County Supervisor Judy Mikels
Rex Laird, Ventura County Farm Bureau	

Chair welcomed newly appointed Board Member Leo Vander Lans and administered oath.

Item 2. Order of Agenda.

The Executive Officer, Jonathan Bishop, recommended that Agenda Item 19 be considered before Agenda Item 18.

MOTION: To approve order of agenda, with Agenda Item 19 being considered before Agenda

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Item 18

First: Board Member Fran Diamond

Second: Board Member Bonny Herman

Vote: Approved by unanimous vote

Item 3. Approval of May 5, 2005 draft meeting minutes

Approval of draft meeting minutes postponed

Item 4. Board Member Communications.

Board Chair Susan Cloke met with Los Angeles Councilmember Wendy Gruel to discuss the recent SSO settlement agreement; and with State Water Board Member Jerry Secundy to discuss matters of concern to both Regional and State Boards

Board Member Fran Diamond attended a press event announcing a grant award hosted by Congressman Sanchez.

Board Member Bradley Mindlin met with representatives of Huffey Corporation to hear concerns regarding pending enforcement action (Agenda Item 22.7).

Item 5. Executive Officers Report

Report given by Jonathan Bishop, Executive Officer, and posted on the Board's website:

www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html .

Item 6. Public Forum.

Mr., Ken Miller, Attorney representing A&R Management and Development

Mr. Ed Wellbaum, Attorney representing A&R Management and Development

Item 7. Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Items 8 through 13 and Agenda Item 15.

First: Board Member Fran Diamond

Second: Board Member Mary Ann Lutz

Vote: Approved by unanimous vote

Item 16. Consideration a proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load to reduce metals in Ballona Creek

Opening statement read and oath administered

Staff Report

Melinda Becker, Chief of Regional Program, assisted by Jonathan Bishop and Michael Lauffer



Public Comment:

(Public comment on this item made during the Board's previous meeting is incorporated into today's proceedings)

Dr. Mark Gold, Heal the Bay

Dr. Susan Paulsen, Flow Science, representing the Coalition for Practical Regulation

Mr. Vaikko Allen, Vortech, Inc.

Dr. Shelly Luce, Santa Monica Bay Restoration Commission

Board Discussion Topics

(Board Member Lutz requests that her comments on this item made during the Board's previous meeting be incorporated into today's proceedings).

- Will the amendment incorporating and establishing incentives for an integrated water resources approach for the LA River Metals TMDL and this TMDL be brought back to the Board at the same time and in approximately four months
- What are the implementation costs and public benefits and specific advantages of the proposed BMPs
- Do specific BMPs have multiple benefits
- Are costs estimates for the proposed BMPs similar and consistent
- What are the differences between metals in their particulate and dissolved phases
- Can BMPs remove metals in their dissolved phase
- Would an iterative approach be used to select and evaluate BMPs
- Does the 15-year implementation phase include the integrated approach
- Do "dissolves" pose a threat to water quality
- Does the proposed TMDL address dissolved metals
- What is the implementation strategy for construction industry BMPs
- Is there consideration being given to conducting studies on BMPs for construction sites
- What role did Playa Vista have in developing the proposed TMDL
- What are the permitting and compliance issues relative to phased-in construction projects (ref. Playa Vista)
- Can the implementation timeframe be patterned after or coordinated with the Santa Monica Bay Pathogen TMDL

Board Direction

Staff to extend an invitation to participate in the Wet-Weather Task Force to Vortech, Inc.; to consider holding a workshop or meeting to examine the multiple benefits of specific BMPs; and to include in future reports, if feasible, costs estimates for not adopting water quality protections.

MOTION: To adopt staff's recommendation with the understanding that the amendment incorporating and establishing incentives for an integrated water resources approach be consistent with the LA River Metals TMDL and brought back to the Board within four months.

First: Board Member David Nahai

Second: Diamond



Vote: Support: Board Members Cloke, Buckner-Levy, Diamond, Lutz, Mindlin and Nahai
Oppose: Board Members Herman and Vander Lans
Abstain: None

Item 17. Consideration a proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load to reduce metals in Ballona Creek Estuary

Opening statement read and oath administered

Staff Report:

Melinda Becker, Chief of Regional Program, assisted by Jonathan Bishop and Michael Lauffer

Public Comment:

Dr. Susan Paulsen, Flow Science, representing the Coalition for Practical Regulation
Carrie Inciong, County of Los Angeles
Dr. Mark Gold, Heal the Bay
Mr. Clayton Yoshida, City of Los Angeles
Dr. Thomas Johnson, Port of Long Beach
Dr. Cindy Lin, US EPA

Board Discussion Topics:

- Length of time required to conduct fish and mussel tissue study
- Desirability and consequences of requiring additional studies prior to adopting the proposed TMDL
- Reasons for and significance of the late distribution of revisions
- Inclusion of Contaminated Sediment Task Force's recommendations into the proposed TMDL
- Purpose of monitoring studies, given sediment is known to be contaminated
- Will the proposed TMDL be brought back for amendment following State Board approval of sediment quality criteria
- Applicability of load criteria to areas other than "A" and "G"
- Is an explicit margin of safety for ERLs required
- Is the proposed TMDL consistent and coordinated with other TMDLs, so as not to result in duplication of costs and efforts
- Who has responsibility for funding and conducting fish and mussel testing and similar studies
- Is fish and mussel testing directly related to the proposed TMDL
- Why testing and monitoring responsibilities limited to two permittees
- What is the time frame for the specialized studies
- Are the permittees the same for this and the previous TMDL
- How do you ensure that testing is done correctly and results are reported accurately

MOTION: To adopt staff's recommendation, with change sheet modifications and the following correction: Page 17.1.5, change the number "9" to "4.5".



First: Board Member Diamond

Second: Board Member Nahai

Vote: Support: Board Members Cloke, Buckner-Levy, Diamond, Mindlin, Nahai and Vander Lans

Oppose: Board Members Herman and Lutz

Abstain: None

Item 19. Consideration of Basin Plan Amendment to incorporate a Total Maximum Daily Load to reduce organochlorine pesticides, chlorpyrifos, polychlorinated biphenyls and siltation in Calleguas Creek, its tributaries and Mugu Lagoon

Opening statement read and oath administered

Staff Report:

Sam Unger, Unit Chief TMDL Unit #2, assisted by Jonathan Bishop, Michael Lauffer and Shirley Birosik

Public Comment:

Dr. Cindy Lin, US EPA

Mr. Richard Hajas, Camroas Water District, representing Calleguas Creek Watershed Group

Ms. Ashli Desai, Larry Walker Assoc, representing Calleguas Creek Watershed Group

Dr. Mark Gold, Heal the Bay

Ms. Kara Kemmler, California Coastal Conservancy

Mr. Jerrod DeGonia, representing Ventura County Supervisor Judy Mikels

Board Discussion Topics:

- Necessity, cost and benefit of siltation study
- Regarding siltation and sedimentation, what is the baseline and target goal
- Does the proposed TMDL address all constituents of concerns or will additional TMDL be required
- Have loan programs and other funding sources for the proposed TMDL been identified and explained
- Appropriateness of length of implementation schedule for waste load allocations, especially with regard to legacy pollutants, POTWs and MS4 permittees
- Desirability of having a reopener in ten years--after special studies have been conducted--to determine the need to modify waste load allocations and establish a shorter implementation schedule
- Acceptability of proposed changes to the Calleguas Creek Watershed Group
- Does proposed changes to staff's recommendation prejudice or limit future Board consideration

MOTION: To incorporate into staff's recommendation the proposed revisions circulated by Ms. Ashli Desai, Larry Walker Assoc, representing Calleguas Creek Watershed Group; that the proposed revisions would be modified on Page 3 to incorporate language read into the record by Michael Lauffer, Office of the Chief Council; strike existing Task #9 in the Board's agenda packet at Page 19-2(a).20; strike Task 20 on Desai's proposed revision; renumber appropriate tasks; change new



task 16 (original task 17) from 12 years to 19 years; Change new task 18 (original task 19) from 13 years to 10 years; and modify Footnote #1 (Page 19-2(a).21) to incorporate language read into the record by Michael Lauffer, Office of the Chief Council.

First: Board Chair Cloke

Second: Board Member Mindlin

Vote: Support: Board Members Cloke, Buckner-Levy, Diamond, Herman, Mindlin, Nahai and Vander Lans

Oppose: Board Member Lutz

Abstain: None

MOTION: Approve staff's recommendation, with change sheet modifications and approved Board amendment

First: Board Chair Cloke

Second: Board Member Mindlin

Vote: Approved by unanimous vote

Item 18. Consideration of Basin Plan Amendment to incorporate a Total Maximum Daily Load to reduce toxicity, chlorpyrifos and diazinon in the Calleguas Creek, its tributaries and Mugu Lagoon

Opening statement read and oath administered

Staff Report:

Sam Unger, Unit Chief TMDL Unit #2, assisted by Jonathan Bishop and Michael Lauffer

Public Comment:

Ms. Ashli Desai, Larry Walker Assoc, representing Calleguas Creek Watershed Group

Mr. Jerrod DeGonia, representing Ventura County Supervisor Judy Mikels

Rex Laird, Ventura County Farm Bureau

Dr. Mark Gold, Heal the Bay

Dr. Cindy Lin, US EPA

Board Direction

Request the Executive Officer to present to the Board at some time in the future a compilation of all TMDL timelines

Board Discussion Topics:

- Is language addressing enforcement components adequate
- Does the proposed TMDL have sufficient flexibility and breadth to address replacement pesticides
- Is there a on-going dialogue with pesticide manufacturers to reduce toxicity of pesticides and to develop better application protocols
- Does the proposed TMDL address monitoring of replacement pesticides
- What are the monitoring and reporting requirements for replacement pesticides
- Is the recommended margin of safety appropriate



MOTION: To adopt staff recommendations, with change sheet modifications proposed by staff and the Calleguas Creek Watershed Group, with the exception of Number 8 and relevant footnote and the modification of 18-2a.14, footnote 3 as specified in Item #19..

First: Board Chair Cloke

Second: Board Member Nahai

Vote: Approved by unanimous vote

Item 20. Panel Hearing Recommendation

Item continued to a future meeting of the Board

Item 21. Supplemental Environmental Project (SEP) List

Item continued to a future meeting of the Board

Item 22. Closed Session

Notice was given that Agenda Items 22.1, 22.3, 22.4, 22.6, and 22.7 would be discussed in closed session

Item 23. Adjournment

Board Chair Susan adjourned the meeting in memory of Mike Gordon, California Assemblymember; Board Member Vander Lans asked that the meeting also be adjourned in memory of those harmed by terrorists activities which occurred earlier today in London

Meeting was adjourned at 5:18p.m.

